

**FLOOR SPEECH ON REAUTHORIZATION OF VIOLENCE AGAINST WOMEN ACT**  
**May 7, 2019**

Hanna Harris was a member of the Northern Cheyenne Tribe. Here she is with her son, just months before she was brutally murdered on the Northern Cheyenne reservation. Hanna was all of 21 years old and, her son, only 10 months' old.

We now honor Hanna -- and all murdered and missing indigenous women and girls -- each year on Hanna's birthday, May 5<sup>th</sup> -- as a National Day of Awareness.

It is fitting to remember and honor these women and girls. And it's critical we understand the magnitude of the violence that Native women face:

- **Eighty-four percent** of Native women have experienced violence in their lifetime. That's **4 out of 5**.
- In some tribal communities, Native women are murdered at rates more than **10 times** the national average. Ten times.
- **One out of three** Native women has been raped.

Behind these statistics are thousands of faces -- thousands of lives, disrupted, shattered, cut short.

Faces like that of Ashley Loring Heavy Runner. Ashley was an outgoing 20-year old Native college student during the summer of 2017 -- when she went missing on the Blackfeet Reservation in Montana.

Last December, I heard first-hand about the devastating impact of Ashley's disappearance when her sister, Kimberly Loring Heavy Runner, came before the Indian Affairs Committee to ask Congress to take action. Kimberly told us: "We are going missing, we are being murdered. . . I am here to stress to you . . . we are loved. And we are missed. We will no longer be the invisible people. . . We have worth."

By the end of 2017 – the FBI had identified **5,600** additional cases of missing Native women and girls. And that's likely a severe undercount.

This crisis is devastating Native families across the country.

It's unacceptable.

Just last week, the Senate passed a resolution remembering murdered and missing indigenous women and girls. Thank you, Senator Daines and other Republicans for sponsoring this bipartisan resolution.

But now, we must make good on those words. We must walk the walk. We must take bipartisan action to end the cycle of violence.

And we should start by reauthorizing the Violence Against Women Act and strengthening provisions to protect Native women.

I've been a strong proponent of VAWA from the beginning. And I pushed hard for the law's passage in 1994 when I was Attorney General of New Mexico.

But it became clear early on that VAWA's provisions weren't reaching Tribal communities because of the tribal jurisdictional maze put in place by a 1978 U.S. Supreme Court decision.

In *Oliphant vs. Suquamish Indian Tribe*, the Court held that Indian Tribes cannot exercise criminal jurisdiction over non-Indians who commit crimes on reservations. This ruling undermined the sovereign right of Tribes to enforce the law on tribal lands. It undercut public safety in Indian Country. And it let violent offenders escape prosecution.

An astounding number of violent crimes against Native women on reservations are committed by non-Indians. According to the National Institute of Justice, 97 percent of the Native women who experience violence in their lifetime have been victimized by non-Indian perpetrators.

But while Tribal authorities' hands were tied -- federal law enforcement authorities weren't addressing these cases either. Investigations were not pursued because the crimes took place in remote locations. Federal prosecutors declined cases. Crimes against Native women and children were pushed to the back burner.

The inability of Tribes to protect their own members was an inexcusable hole in the law.

By the time the Senate took up VAWA reauthorization in 2012 and 2013, we could no longer ignore that *Oliphant* left Native women at risk. In the Senate, I fought to restore Tribes' authority to provide for the safety for their members. And we ultimately reinstated their authority to prosecute anyone who commits domestic violence on a reservation through VAWA 2013.

Since then, 18 Tribes have begun exercising jurisdiction over domestic violence crimes. There have been 143 arrests of 128 violent offenders -- with 74 convictions to date.

This is a step in the right direction.

But with time and experience, Tribes have seen there are still gaps that must be closed to stop violence against Native women.

Tribes have identified four changes Congress must make to hold violent offenders accountable. First, tribal jurisdiction under VAWA doesn't extend to domestic violence against children. If a Native child is caught up in the violence -- as is too often the case -- tribal law enforcement can't prosecute the offender. We have to change that.

Second, VAWA only applies to domestic violence. It doesn't apply to general cases of sexual assault, sex trafficking, or stalking.

Like other types of violence – Native women face higher levels of sexual violence than other women in the U.S. In fact, of the Native women who have experienced violence – **56 percent** have experienced sexual violence.

Yet VAWA 2013 didn't cover the entire range of sexual violence directed toward Native women. Congress must fix this.

Third, VAWA 2013 wasn't clear whether Tribes have jurisdiction over **attempted** domestic violence.

If a perpetrator swings at his spouse and misses – there's no crime – until the next time, when he lands a punch. We must fix this loophole or Native women will continue to be at risk.

And, finally, VAWA doesn't cover crimes committed against tribal law enforcement officers charged with responding to domestic violence.

Domestic violence calls are some of the most dangerous law enforcement responds to. Police officers, including tribal officers, are assaulted when responding to disturbance calls more than any other circumstance.

Yet, Tribes can't protect their own officers.

These gaps in VAWA undermine the very purpose of the law. And put children, women, and police officers at great risk. We must remedy this.

Senators Murkowski and Smith and I have introduced the Native Youth and Tribal Officer Protection Act -- to ensure Tribes can exercise jurisdiction to prosecute crimes against children and tribal officers, and attempted domestic violence.

This bipartisan bill is supported by 16 former U.S. Attorneys, appointed under Republican and Democratic administrations, and the Indian Law and Order Commission – a body of tribal public safety experts established under the bipartisan Tribal Law and Order Act.

We have also introduced the Justice for Native Survivors of Sexual Violence Act – which makes sure that Tribes have authority to prosecute sexual assault, sex trafficking, and stalking crimes.

The House of Representatives already passed these measures last month on a bipartisan basis – as part the Violence Against Women Act Reauthorization of 2019. It is now our turn to take action. We cannot allow this bill to be buried in the Majority Leader’s so-called “legislative graveyard.” Not when women’s lives are literally at stake.

Friends: We must all agree it is long past time to address violence against women in Indian Country.

I urge this body to reauthorize VAWA, and pass the Native Youth and Tribal Officer Protection Act and Justice for Native Survivors Act.

Let the families of Hanna and Ashley and the thousands of other missing and murdered Native women know that they are “not invisible.” That they “have worth.” And, they deserve justice.

I yield the floor.